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Attorneys for Defendant Arch Insurance Company

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH MURPHY, et al.,)
Plaintiffs,)
v.)
ALLIED WORLD ASSURANCE)
COMPANY (U.S.), INC. and ARCH)
INSURANCE COMPANY,)
Defendants.)
)

No. 08-CIV-4196 (GEL)
ECF Case

**SUPPLEMENTAL DECLARATION OF JOHN H. EICKEMEYER
IN SUPPORT OF DEFENDANT ARCH INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

I, John H. Eickemeyer, do hereby declare as follows:

1. I am counsel for Defendant Arch Insurance Company ("Arch").
2. On July 11, 2008, Arch filed a motion for summary judgment in this action and the accompanying Declaration of John H. Eickemeyer in support of its motion. The declaration

incorporated certain Insurers' Joint Exhibits ("IJX") filed in the action *XL Specialty Insurance Company v. Agoglia, et al.*, No. 08-civ-3821 (GEL) (S.D.N.Y.) (the "XL Specialty Action").

3. On July 17, 2008, XL Specialty filed the Supplemental Affidavit of James Sandnes in the XL Specialty Action, which added IJX 25 to the Insurers' Joint Exhibits. IJX 25 is a true and correct copy of the Judgment of Conviction in the case *United States v. Bennett*, No. 05-cr-1192 (NRB) (S.D.N.Y.).

4. Arch hereby incorporates by reference IJX 25 into this supplemental declaration in support of its motion for summary judgment.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 18, 2008.

s/ John H. Eickemeyer
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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

JOSEPH MURPHY, et al., Plaintiffs, v. ALLIED WORLD ASSURANCE COMPANY (U.S.), INC. and ARCH INSURANCE COMPANY, Defendants.) No. 08-CIV-4196 (GEL)) ECF Case <u>CERTIFICATE OF SERVICE</u>
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I, John H. Eickemeyer, hereby declare, pursuant to 28 U.S.C. 1746, under penalty of perjury, as follows:

1. On July 18, 2008, I caused a copy of the within **SUPPLEMENTAL DECLARATION OF JOHN H. EICKEMEYER IN SUPPORT OF DEFENDANT ARCH INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT** to be served upon all parties who have made appearances and are registered to receive e-notices in the above-captioned action by electronically filing same, thereby ensuring that counsel to each such party received same;

2. On July 18, 2008, I caused copies of the within **SUPPLEMENTAL DECLARATION OF JOHN H. EICKEMEYER IN SUPPORT OF DEFENDANT ARCH INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT** to be served upon all parties who have not yet registered to receive e-notices in the above-

captioned action by depositing true copies of same into the custody of the United States Postal Service, addressed to their counsel as follows:

Defendant(s)	Counsel
Agoglia, John D. McCarthy, Peter J.	William Fleming, Esq. Gage Spencer & Fleming, LLP 410 Park Avenue New York, NY 10022 (212) 768-4900 wfleming@gagespencer.com
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DATED: July 18, 2008

s/ John H. Eickemeyer
John H. Eickemeyer